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In re Application of	:	DECISION ON
Baumgartner et al	:	
PCT No.: PCT/EP2003/012712	:	
Application No.: 10/537,421	:	
Int. Filing Date: 13 November 2003	:	PAPERS FILED
Priority Date: 02 December 2002	:	
Attorney's Docket No.: 2002P01289WOUS	:	
For: DISHWASING MACHINE	:	UNDER 37 CFR 1.42
COMPOSITIONS CONTAINING THE SAME	:	

This is a decision on the declaration filed 08 February 2006, which has been treated as a request for status under 37 CFR 1.42.

### **BACKGROUND**

On 02 June 2005, applicants filed a transmittal letter for entry into the national stage in the United States which was accompanied by, inter alia, the requisite basic national fee as required by 35 U.S.C. 371(c)(1). However, applicants did not satisfy the requirement set forth by 35 U.S.C. 371(c)(4) because an executed oath or declaration was not provided.

On 26 September 2005, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by International application number and international filing date" must be submitted within two months from the date of this notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

In response to the Notification mailed on 26 September 2005, applicants filed a declaration on 08 February 2006 signed by Ingeborg STURM as heir of the inventor, Wilhelm STURM, now deceased.

### **DISCUSSION**

The declaration is unacceptable at this time because it is not clear that Ingeborg STURM is the sole heir for the deceased inventor, Wilhelm Sturm. (see MPEP § 409.01(a)).

**CONCLUSION**

The renewed submission filed under 37 CFR 1.42 is **ACCEPTED**.

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision. The 35 U.S.C. § 371(c)(1), (c)(2), and (c)(4) date of this application as **14 December 2007**.



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